

REMARKS

Claims 1-29, 31, 33, 35, 37, 39, 41, and 43 are pending in this application. Claims 1, 8, 15-19, 24, 29, 31, 33, 35, 37, 39, 41, and 43 are independent. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1, 8, 15-19, 24, 29, 31, 33, 35, 37, 39, 41, and 43 under 35 U.S.C. §112, second paragraph; rejected claims 1, 5, 7, 15, 17, 19, 22, 23, 29, 30, 35-38, 41, and 42 under 35 U.S.C. § 102(e) as being anticipated by *Tibbs et al.* (U.S. Publication No. 2002/0010689); rejected claims 8, 12, 14, 16, 18, 24, 26-28, under 35 U.S.C. § 103(a) as being unpatentable over *Cusack et al.* (USP 6,493,724) in view of *Tibbs*; rejected claims 29, 31, 33, 35, 37, 39, 41, and 43 under 35 U.S.C. § 103(a) as being unpatentable over *Cusack et al.* in view of *Irons* (USP 6,427,032); rejected claims 2 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Tibbs* in view of *Perkowski* (U.S. Publication No. 2002/0004753); rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Tibbs* in view of *Perkowski*, and further in view of *Hudetz et al.* (USP 5,978,773); rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Tibbs* in view of *Perkowski*, and further in view of *Chu* (USP 6,279,170); rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over *Tibbs* in view of *Hudetz*; rejected claims 9 and 25 under 35 U.S.C. § 103(a) as being unpatentable over *Cusack* in view of *Tibbs*, and further in view of *Perkowski*; rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over *Cusack* in view of *Tibbs* and *Perkowski*, and further in view of *Hudetz*; rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable

over *Cusack* in view of *Tibbs* and *Perkowski*, and further in view of *Chu*; rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over *Cusack* in view of *Tibbs*, and further in view of *Hudetz*; and rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over *Tibbs* in view of *Cusack*.

Applicant respectfully traverses these rejections.

By this amendment, Applicant has amended the claims to address the Examiner's rejections under 35 U.S.C. § 112. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but mainly to timely advance prosecution of the present application.

Claim Rejections – 35 U.S.C. §112

The Examiner rejected Claims 1, 8, 15-19, 24, 29, 31, 33, 35, 37, 39, 41 and 43 under 35 U.S.C. § 112, second paragraph. By this Amendment, Applicant has amended the claims to more appropriately recite the present invention. Based upon these amendments, it is respectfully requested that the outstanding rejection be withdrawn.

Claim Rejections – 35 U.S.C. §102

In the outstanding rejection, the Examiner responds to Applicant's arguments asserting the argued feature is not in the claims. Applicant submits that the Examiner is interpreting the claim to read that only the sending out of the label information takes place upon access by the user terminal, and not the reading out step. Applicant submits that this interpretation is clearly contrary to the claim language and is further contrary to the claims, when read in light of the specification.

The disclosure of *Tibbs* is directed to a method and system for generating and transmitting electronic shipping return labels to allow customers to return goods to a merchant or vendor. *Tibbs* discloses a user accessing a merchant web site and submitting a return request wherein the user notifies the merchant that a customer wishes to return a good. Upon submission and approval of the return request, a merchant server transmits shipping information related to the customer return request to ASP server 130. The shipping information may include the weight and dimensions of the package (para. [0032]). The ASP application uses the shipping information from the merchant and the tracking information from the carrier to generate an electronic return shipping label. In one embodiment, the ASP application creates a web page in HTML format that displays an electronic image of the return shipping label and assigns the web page a URL address (para. [0034]). The ASP application sends the URL address of the return shipping label web page to the merchant server 110 (para. [0037]). The merchant is responsible for providing the consumer with the URL address of the web page containing the return shipping label (para. [0037]). Alternatively, the ASP application sends an e-mail to the customer that includes the URL address of the web page containing the return shipping label (para. [0038]).

In contrast, the present invention as set forth in claim 1, as amended, includes storing label information related to a label, which shows at least commodity information, in storage means by type of a commodity to which the label is affixed; and accessing the storage means upon receipt of a query received from a user's terminal, wherein the query is based on access destination information including a Uniform Resource Locator directly provided on material associated with the commodity; and reading out the label information which is required to be downloaded from the storage means and transmitting the label information to the user's terminal.

Tibbs clearly discloses that once a user receives an e-mail including a URL address of a web page, the user, using the URL in the e-mail, may download the return label and then affix the return label to the merchandise for shipping. There is no teaching or suggestion in *Tibbs* that is directed to the user requiring downloading of the label information related to a label affixed to an arbitrary commodity as set forth in claim 1. *Tibbs* clearly discloses that the label is affixed to the commodity after the label is downloaded. As such, Applicant submits that claim 1 is not anticipated by *Tibbs* and it is respectfully requested that the rejection of Claim 1, together with the claims dependent thereon, be withdrawn. As independent claims 15, 17, 19, 29, 35, 37, and 41 similarly recite this claim element, Applicant submits that these claims are not anticipated by *Tibbs* and it is respectfully requested that the rejection of these claims, together with the claims dependent thereon, be withdrawn.

Further, *Tibbs* clearly discloses that the only information that is transmitted to the user is the shipping label information as depicted, for example, in Fig. 5. In contrast, the present invention provides for label information, which includes at least commodity information. There is no teaching or suggestion in *Tibbs* that teaches or suggests the label information including commodity information being transmitted to the user terminal.

These elements are further set forth in independent claims 15, 17, 19, 29, 35, 37, and 41. As such, Applicant submits that *Tibbs* fails to anticipate these claims together with the claims dependent thereon, for the same reasons.

Claim Rejections - 35 U.S.C. § 103 - Cusack/Tibbs

In support of the Examiner's rejection of claim 8, the Examiner asserts that *Cusack* discloses all of the elements of the claimed invention except for access destination including a uniform resource locator directly provided on material associated with a commodity. The Examiner relies on the disclosure of *Tibbs* to cure the deficiencies of the teachings of *Cusack*, citing to paras. [0034], [0037], [0038], and [0041], asserting the URL is provided in an e-mail message. We disagree with the Examiner's rejection.

In Applicant's Reply filed March 25, 2005, Applicant argued that one skilled in the art would not be motivated to combine the teachings of the references in order to render the pending claims obvious. In response to this argument, the Examiner merely restates her motivation without commenting on Applicant's arguments that the references are not analogous art and, further that even assuming the propriety of the Examiner's combination, all of the elements would not be taught.

Should the Examiner maintain this rejection, Applicant respectfully requests that the Examiner properly respond to this argument, as more fully set forth in Applicant's Reply filed March 25, 2005, in a new, non-final Official Action, so that Applicant may have sufficient opportunity to respond.

For all the reasons set forth above, Applicant respectfully submits that the outstanding rejections should be withdrawn and respectfully submits that the application is in proper form for allowance.

Conclusion

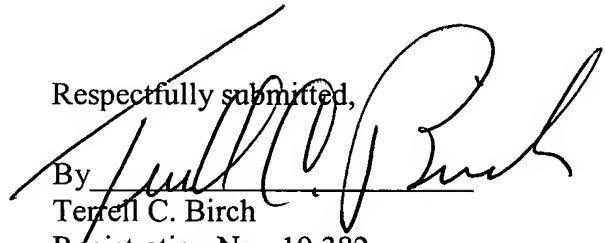
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Cathy M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: November 18, 2005

Respectfully submitted,



By
Terrell C. Birch
Registration No.: 19,382
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant